

ITEM NO. 15

September 17, 2004

ERRATA SHEET

CHANGES TO ORDER NO. R8-2004-0072

The Errata Sheet is not available at this time. It will be available at the Board Meeting.

California Regional Water Quality Control Board
Santa Ana Region

September 17, 2004

ITEM: 15

SUBJECT: Order No. R8-2004-0072, Amending Cleanup and Abatement
Order No. R8-2003-0013, San Bernardino County, Solid Waste
Management Division

DISCUSSION:

On January 17, 2003, the Regional Board adopted Cleanup and Abatement Order (CAO) No. R8-2003-0013 for the County of San Bernardino. Order No. R8-2003-0013 found that perchlorate was being discharged to groundwater from the County's property located adjacent to the actively landfilled portion of the Mid-Valley Sanitary Landfill (MVSL) in Rialto. CAO No. R8-2003-0013 required the County to define the lateral and vertical extent of the perchlorate that was discharging from its property, and to cleanup and abate the effects of the discharge.

The County subsequently performed a series of groundwater investigations. In June 2004, the County obtained depth discrete samples from a borehole that was drilled approximately 250 feet up gradient of City of Rialto Well No. 3. Perchlorate was detected at 26 parts per billion (ppb) in a sample obtained at the water table, at a depth that is approximately 100 feet above the top of the screened interval of Rialto Well No. 3. Perchlorate was also detected at lower concentrations throughout the water column to the end of the boring, where perchlorate was detected at 7.5 ppb, approximately 200 feet below the water table. The lower 100 feet of this boring correlates with the upper 100 feet of the screened interval of Rialto Well No. 3. Rialto Well No. 3 is sampled monthly and has been non-detectable for perchlorate.

Rialto Well No. 3 is a municipal water supply well that represents 15 percent of the City of Rialto's unimpaired pumping capacity. Rialto Well No. 3 is an important component in the City of Rialto's water system. The presence of perchlorate in groundwater as close as 250 feet up gradient of Rialto Well No. 3 at depths that correlate with the screened interval of Rialto Well No. 3 indicates that Rialto Well No. 3 could be impacted by perchlorate in the near future.

In a letter dated July 6, 2004, the Executive Officer directed the County to submit an acceptable water supply contingency plan for Rialto Well No. 3 by August 6, 2004. The County submitted a conceptual contingency plan on July 26, 2004.

The County proposed to install a groundwater extraction and treatment system to intercept and treat perchlorate impacted groundwater in the near, upgradient vicinity of Rialto Well No. 3, by September 14, 2005. The intent of this system would be to contain the further migration of the perchlorate plume and to provide the City of Rialto an equivalent volume of treated groundwater to replace the volume of groundwater extracted by Rialto Well No. 3, which would be shut down (or operated at a greatly reduced level) after initiation of the proposed extraction and treatment system. In a letter dated August 6, 2004, the Executive Officer expressed support for the County's proposal, but stated that the schedule was not aggressive enough, and an alternate plan should be submitted if the proposed contingency plan could not be completed by February 15, 2005. In a letter dated August 19, 2004, the County expressed that its preferred alternative was to complete the proposed plan by February 15, 2005, but that in all events it was pursuing other alternatives so that replacement water would be made available to the City. It is recognized that there are various legal and practical impediments to the County being in a position to expeditiously complete its preferred alternative, notwithstanding its expressed commitment to make all reasonable efforts to achieve that goal. Therefore, Board staff believes it is reasonable to require the County to complete its preferred alternative and begin providing replacement water to the City of Rialto by April 1, 2005.

The County is preparing a feasibility study to evaluate possible alternatives to providing replacement water for City of Rialto Well No. 3, in order to determine if the County's current preferred alternative is the most cost effective, appropriate alternative. The Regional Board and the County also intend to solicit public comments on the various possible alternatives. In early September, the County will be publishing a public notice in the daily circulation newspapers in the Rialto area. This notice will state that public comments on the County's proposal can be provided at two County Board of Supervisors meetings in September, the Regional Board meeting on September 17 and an evening public meeting in Rialto that is tentatively scheduled for October 7. The public comment period is tentatively scheduled to begin with the Regional Board meeting on September 17 and end on October 18. The Regional Board, acting as lead agency, will be overseeing these various public participation activities.

At the September 17 Regional Board meeting, the County will summarize the results of the investigations that have been completed, review the remedial action alternatives that were evaluated and explain the basis for the recommended remedial action plan. The public will then have an opportunity to comment on proposed Order No. R8-2004-0072 and the County's recommended remedial action plan, as well as to suggest other possible alternatives and provide any other relevant information.

Proposed Order No. R8-2004-0072 would amend CAO No. R8-2003-0013 to require the County to replace the water currently extracted from Rialto Well No. 3 and would require the County to commence providing such replacement by April

Staff Report

1, 2005. If perchlorate is detected in Rialto Well No. 3 prior to completion of the County's preferred alternative, the proposed order would require the County to take immediate action to replace the water being provided by Rialto Well No. 3. The proposed order does not specify implementation of a specific remedial action plan. If the plan the County intends to implement is different than the plan previously accepted by the Executive Officer, then the County must submit a new plan for approval by the Executive Officer.

Recommendation:

Adopt Order No. R8-2004-0072 as proposed.

California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2004-0072
Amending Cleanup and Abatement Order No. R8-2003-0013
For
County of San Bernardino, Solid Waste Management Division
City of Rialto, San Bernardino County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. On January 17, 2003, the Regional Board adopted Cleanup and Abatement Order (CAO) No. R8-2003-0013 for the County of San Bernardino (hereinafter County). Order No. R8-2003-0013 found that perchlorate was being discharged to groundwater from the County's property located adjacent to the actively landfilled portion of the Mid-Valley Sanitary Landfill (MVSL) in Rialto.
2. CAO No. R8-2003-0013 required the County to define the lateral and vertical extent of the perchlorate that was discharging from its property, and to cleanup and abate the effects of the discharge.
3. The County subsequently performed a series of groundwater investigations. In June 2004, the County obtained depth discrete samples from a borehole that was drilled approximately 250 feet up gradient of City of Rialto Well No. 3. Results of the sampling found that perchlorate was detected throughout the upper 200 feet of groundwater, ranging from 26 parts per billion (ppb) in a sample obtained at the water table, to 7.5 ppb at the end of the boring, approximately 200 feet below the water table.
4. Rialto Well No. 3 is sampled monthly and has been non-detectable for perchlorate.
5. Rialto Well No. 3 represents 15 percent of the City of Rialto's unimpaired pumping capacity and is an important facility in the City of Rialto's water system. The presence of perchlorate in groundwater as close as 250 feet up gradient of Rialto Well No. 3 represents a threat to the beneficial use of Rialto Well No. 3 as a municipal drinking water supply.
6. In a letter dated July 6, 2004, the Executive Officer directed the County to submit an acceptable water supply contingency plan for Rialto Well No. 3 by August 6, 2004. The County submitted a conceptual plan on July 26, 2004, and proposed to begin providing replacement water to the City of Rialto by September 14, 2005. In a letter dated August 6, 2004, the Executive Officer expressed support for the County's proposal, but stated that an alternate plan should be submitted if the proposed plan could not be relied upon to commence providing replacement

water by February 15, 2005. In a letter dated August 19, 2004, the County expressed its commitment to complete its preferred alternative by February 15, 2005. However, various legal and practical impediments exist to the County's ability to expeditiously complete its preferred alternative, notwithstanding the expressed commitment of the County to make all reasonable efforts to achieve that goal. Therefore, it is reasonable to require the County to complete its preferred alternative and to begin providing replacement water to the City of Rialto by April 1, 2005.

7. Due to the threat to the beneficial use of Rialto Well No. 3 as a municipal drinking water supply, it is appropriate to order the County to provide replacement water for Rialto Well No. 3.
8. On September 17, 2004, the Regional Board considered comments on proposed Order No. R8-2004-0072, the results of the County's investigations that have been completed, the County's remedial action alternatives the County's preferred alternative remedial action plan and on other relevant matters.
9. This action is being taken by a regulatory agency to enforce a water quality law. Such action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED THAT:

1. Cleanup and Abatement Order No. R8-2003-0013 is amended by adding a new Item 5, to read as follows:
 5. a. The County shall take all actions necessary to commence providing replacement water to the City of Rialto by April 1, 2005, to replace the water currently extracted from Rialto Well No. 3.
 - b. In the event the County proposes to implement a plan other than its plan dated July 26, 2004, the County shall submit its alternative plan no later than November 15, 2004 for approval by the Executive Officer.
 - c. In the event that perchlorate is detected above its Practical Quantification Limit in Rialto Well No. 3 prior to the County being able to provide replacement water to the City of Rialto pursuant to implementation of its approved plan, the County shall immediately replace the water being extracted from Rialto Well No. 3 by other reasonable means to be approved by the Executive

Officer, including, but not limited to, purchasing replacement water from other sources.

2. All other provisions of CAO No. R8-2003-0013 shall remain unchanged. This amendment does not limit any additional cleanup or abatement activities that may be necessary as a result of the discharge of perchlorate from the County's property, and is only intended to provide for the immediate replacement of the production capacity of Rialto Well No. 3.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 17, 2004.

Gerard J. Thibeault
Executive Officer